

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CEMENT MASONS PENSION TRUST FUND,
et al.,

Plaintiff(s),

Case No. 07-12886

v.

HONORABLE DENISE PAGE HOOD

JOHN CLAYTON, d/b/a J and D
CONSTRUCTION CO.,

Defendant(s).

_____ /

ORDER DISMISSING ACTION FOR FAILURE TO PROSECUTE

Plaintiff initiated the present action against Defendant on July 11, 2007, alleging a failure to make fringe contributions in breach of their collective bargaining agreement. On October 17, 2007, the Court ordered Plaintiff to show cause why the action should not be dismissed for failure to prosecute. Plaintiff affirmatively responded and, on November 5, 2007, the Court set aside its first order to show cause. Since that time, however, Plaintiff has failed to prosecute this case. On January 30, 2008, the Court again ordered Plaintiff to show cause why the action should not be dismissed for failure to prosecute and to appear before this Court on February 11, 2008 at 2:00 p.m. Plaintiff failed to appear.

Accordingly,

IT IS ORDERED that Plaintiff's Complaint be dismissed without prejudice for Failure to Prosecute.

S/Denise Page Hood _____
Denise Page Hood
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 14, 2008, by electronic and/or ordinary mail.

S/William F. Lewis _____
Case Manager